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APR 10 1991

Federal Communications Commission  
Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ED

In re Application of

ORCHON BROADCASTING COMPANY, INC.

For Construction Permit  
for a New FM Station  
on Channel 239A (95.7 MHz)  
in Greenville, Georgia

File No. BPH-901221M<sup>5</sup>

TO: Chief, Audio Services Division  
Mass Media Bureau

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AUDIO SERVICES

PETITION TO DENY

Comes now Nadine P. Richardson d/b/a Rocky Mount Broadcasting ("Rocky Mount"), by counsel, pursuant to the Commission's Public Notice of March 11, 1991, and petitions to deny the above-referenced application of Orchon Broadcasting Company, Inc. ("Orchon"). In support, Rocky Mount respectfully states as follows.

A review of Orchon's application on file with the Commission reveals that it is impossible to determine whether the applicant's proposal complies with city-grade requirements. The only map provided showing the community of license contains a darkened smudge on the map with an arrow pointing to it very near the outer edge of the designated city grade contour. The smudge, the arrow, and the contour lines all smudge together in such a manner that

it cannot be clearly determined whether the Commission's requirements have been met. A copy of this map is attached for reference.

Under the Commission's "hard-look" policy for processing of FM applications, MM Docket 84-750, 50 Fed. Reg. 19936, 19945 (1985) (Appendix D), the applicant's technical exhibit must provide a map "clearly and legibly showing . . . the legal boundaries of the community of license". Appendix D, ¶ 4.g. The failure to provide this information will result in the application being returned as unacceptable for tender. Id.; Karen S. Klehamer (HDO), MM Docket 90-180 (DA 90-451, rel. Apr. 18, 1990).

Consequently, Rocky Mount respectfully submits that the application of Orchon is defective. It must, therefore, be returned to the applicant as not sufficient for tender.

Respectfully submitted,

NADINE P. RICHARDSON d/b/a  
ROCKY MOUNT BROADCASTING

By



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Its Counsel

April 10, 1991

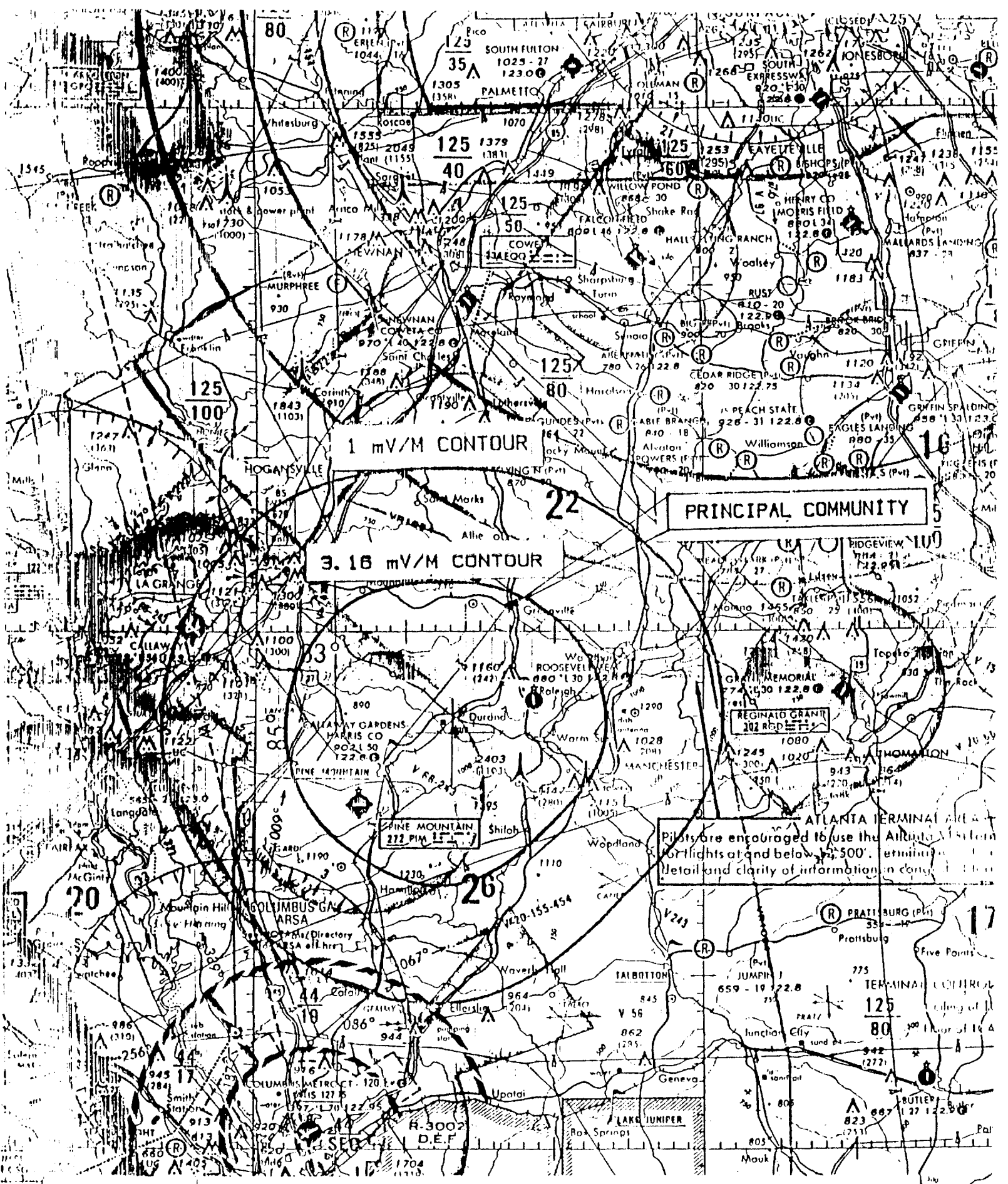
**CERTIFICATE OF SERVICE**

I, Angela R. Pomeroy, a secretary in the law offices of Venable, Baetjer, Howard & Civiletti, hereby certify that a copy of the foregoing Petition to Deny was served this 10th day of April, 1991, via U.S. Mail on the following:

Mr. C. Fred McCurdy, Jr.  
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Mr. Robert S. Stone  
McC Campbell & Yong, P.C.  
P.O. Box 550  
Knoxville, TN 37901  
Counsel to Orchon Broadcasting, Inc.

  
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1 mV/M CONTOUR

3.16 mV/M CONTOUR

PRINCIPAL COMMUNITY

ATLANTA TERMINAL AREA  
Pilots are encouraged to use the Atlanta Terminal Area for flights at and below 5,500' terminal area.  
Detail and clarity of information in contour lines.

Scale 1:500,000

1 inch equals approximately 8 miles

